REMARKS

Claims 14-22 are pending in the present application. Claims 14-22 have been added. Claims 1-13 have been cancelled without prejudice or disclaimer to the subject matter contained therein.

A. Rejection under 35 U.S.C. §101

Claims 1-13 have been rejected under 35 U.S.C. §101 for merely solving a mathematical problem without any practical application. This rejection under 35 U.S.C. §101, of claims 1-13 and as it also may apply to newly added claims 14-22, is respectfully traversed.

In formulating the rejection under 35 U.S.C. §101, the Examiner alleges that the claims merely solve a mathematical problem. This position by the Examiner is respectfully traversed in view of the above amendments.

The presently claimed invention, as set forth in newly added independent claim 14, is directed to a method for squeezing hue values (H_{in}) of a digital image toward a preferred hue value (H_{pref}) for the digital image. The method receives a digital image file, the digital image file including a plurality of pixels of color image data, each pixel of the color image data being defined by a hue value, a chroma value, and a lightness value; selects a hue value (H_{in}) from the digital image file; selects a preferred hue value (H_{pref}); calculates a hue change value ($\Delta H = H_{in} - H_{pref}$); calculates a hue weight value (H_{weight}); calculates a hue adjustment value ($H_{Adjust} = \Delta H^*(H_{weight})$; calculates a destination hue value ($H_{out} = H_{in} - H_{Adjust}$); and generates a modified digital image file by replacing the hue value (H_{in}) in the digital image file with destination hue value (H_{out}).

As clearly set forth above, the presently claimed invention, as set forth by newly added independent claim 14, recites a method that determines adjustment for a colorspace value of a pixel in a digital image file and replaces the colorspace value in the digital image file with a destination colorspace value that has been calculated from the colorspace value, a preferred colorspace value, and weighted colorspace values. In other words, the presently claimed invention, as set forth by newly added independent claim 14, does not merely recite the solving of a mathematical problem with no practical

application, but sets forth a method that modifies a certain colorspace value within a digital image file.

Accordingly, in view of the amendments and remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §101.

B. Obviousness-type Double Patenting Rejection

Claims 1, 7, and 9-13 have been provisionally rejected under the doctrine of Obviousness-type Double Patenting with respect to claims 1 and 5-10 of co-pending patent application number 10/642,795. This rejection under the doctrine of Obviousness-type Double Patenting is respectfully traversed.

In formulating this rejection, the Examiner alleges that the both sets of claims (claims 1, 7, and 9-13 of the above-identified application and claims 1 and 5-10 of co-pending patent application number 10/642,795) are drawn to the same invention because both sets of claims allegedly generate a hue output using the same equation, $H_{out} = H_{in} - H_{Adjust}$. This position by the Examiner is respectfully traversed.

It is respectfully submitted that the claims of co-pending patent application number 10/642,795 do not utilize the same equation as set forth above in the newly added claims. Furthermore, the Examiner has failed to provide any independent evidence demonstrating why one of ordinary skill in the art would find the present claims obvious in view of the claims of co-pending patent application number 10/642,795.

Lastly, it is respectfully submitted that claims 1 and 5-10 of co-pending patent application number 10/642,795 have been cancelled. Therefore the present rejection under the doctrine of Obviousness-type Double Patenting is moot.

Accordingly, in view of the amendments and remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under the doctrine of Obviousness-type Double Patenting.

CONCLUSION

Accordingly, in view of all the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejections. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,

Michael J. Nickerson
Registration No. 33,265
Basch & Nickerson LLP
1777 Penfield Road
Penfield, New York 14526
Telephone: (585) 899-3970

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